

**DECISION**  
**GRAFTON PLANNING BOARD**  
**SPECIAL PERMIT (SP 2020-02) & SITE PLAN APPROVAL**

**Mixed Use Development**

**100 Westboro Road**  
**D&F Afonso Builders, Inc. (Applicant/Owner)**

Decision of the Planning Board of the Town of Grafton, Massachusetts (hereinafter the BOARD) on the petition of D&F Afonso Builders, Inc. (hereinafter the APPLICANT) for Special Permit & Site Plan Approval for a Mixed Use Development, “Afonso Village”, consisting of five 3-story buildings, four town houses and associated roadways, parking and utilities, including 105 housing units and approximately 18,000 sq. ft. of retail space, on property located at 100 Westboro Road (hereinafter the SITE) and shown on the Grafton Assessor’s Map 12, Lot 22, and owned by D&F Afonso Builders, Inc. (hereinafter the OWNER) by deed recorded in the Worcester District Registry of Deeds Book 34122, Page 57.

**I. BACKGROUND**

The application for the Special Permit and Site Plan Approval (hereinafter Application) was filed with the Planning Board on January 27, 2020. Notice of the public hearing and the subject matter thereof was published in the Grafton News on February 6 and 13, 2020 and posted with the Town Clerk’s Office on February 6, 2020. Abutters were notified by First Class Mail. The public hearing on the Application was opened on February 24, 2020 and continued, at the request of the applicant with concurrence of the Board to, March 23, 2020\*; April 27, 2020\*; May 18, 2020\*; June 8, 2020\*; June 22, 2020\* and July 13, 2020\*. During the public hearings, all those wishing to speak to the petition were heard. Following public input, the hearing was closed on July 13, 2020.

At the hearings the following people presented the Application: Dominic Afonso, D&F Afonso Builders, Inc.; Amanda Cavaliere, Guerriere & Halnon, Inc.; and Dan Hazen, Guerriere & Halnon, Inc.

The following Board members were present at the public hearings: Chair David Robbins, Vice Chair Robert Hassinger, Clerk Justin Wood, and Members Linda Hassinger and Prabhu Venkataraman.

**II. SUBMITTALS**

The following items were submitted to the Board for its consideration of this application:

**EXHIBIT 1.** Original Application Submission, received January 27, 2020 to include the following:

- a. Application for a Special Permit, signed by Dominic Afonso (Applicant), dated January 14, 2020, date stamped by the Town Clerk on February 6, 2020 and date stamped received by the Planning Board on January 27, 2020, 1 page.
- b. Application for a Site Plan Approval, signed by Dominic Afonso (Applicant), dated January 14, 2020, date stamped by the Town Clerk on February 6, 2020 and date stamped received by the Planning Board on January 27, 2020, 1 page.

*\* Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor’s March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, the Town of Grafton Planning Board conducted this public meeting and/or hearing was held via remote participation.*

- c. Project Narrative, date stamped received by the Planning Board on January 27, 2020, 1 page.
- d. Certificate of Good Standing, signed by Beth Schrottman, dated January 8, 2020 and date stamped received by the Planning Board on January 27, 2020, 1 page.
- e. Abutters Listing for 100 Westboro Road, Map 12, Lot 22, dated January 6, 2020, signed by Tammy Kalinowski, Office Manager, and date stamped received by the Planning Board on January 27, 2020, 1 page.
- f. Abutters Listing for 100 Westboro Road, Map 12, Lot 20, dated February 4, 2020, signed by Kenneth Michael O'Brien, MAA, Grafton Data Collector and date stamped received by the Planning Board on February 4, 2020, 1 page.

**EXHIBIT 2.** Plan: “Afonso Village; A Mixed Use Development” dated January 14, 2020, prepared by Guerriere & Halnon, Inc., 55 West Central Street, Franklin, MA 02038, in eleven (11) sheets.

**EXHIBIT 3.** Plan: “Afonso Village” dated January 14, 2020, prepared by Gorman Richardson Lewis Architects, in twelve (12) sheets.

**EXHIBIT 4.** Plan: “Grafton Mixed Use Site Lighting” dated January 10, 2020, prepared by SK & Associates, 20/22 Carver Circle, Canton, MA 02021, in one (1) sheet.

**EXHIBIT 5.** Plan: “Plan of Land; Parcel D in Grafton, MA” dated January 15, 2020, prepared by Guerriere & Halnon, Inc., 55 West Central Street, Franklin, MA, 02038, in two (2) sheets.

**EXHIBIT 6.** Report: “Stormwater Report; ‘The Village at Institute Road Mixed Use’; Grafton, MA” dated January 14, 2020, prepared by Guerriere & Halnon, Inc., 333 West Street, Milford, MA 01757, in one hundred and sixty-five (165) pages.

**EXHIBIT 7.** Public Hearing Notice, date stamped by the Town Clerk on February 3, 2020, and published in the Grafton News on February 6, 2020 and February 13, 2020, in one (1) page.

**EXHIBIT 8.** Email from Nancy Connors, Health Department, to the Grafton Planning Board, regarding “100 Westboro Rd.”, dated February 14, 2020.

**EXHIBIT 9.** Email from Katrina Koshivos, Zoning Board of Appeals, to the Grafton Planning Board, regarding “100 Westboro Road – “Afonso Village” – Mixed Use Development”, dated February 18, 2020.

**EXHIBIT 10.** Public Hearing Sign-In Sheet, dated February 24, 2020, 1 page.

**EXHIBIT 11.** Public Hearing Continuance request form, signed by Amanda Cavaliere, dated February 24, 2020, received by the Planning Board on February 24, 2020, 1 page.

**EXHIBIT 12.** Memorandum: “Staff Review of 100 Westborough Road (SP 2020-02/SPA)” dated March 5, 2020, prepared by Christopher McGoldrick, Town Planner, in three (3) pages.

**EXHIBIT 13.** Peer Review: “Afonso Village”, dated March 5, 2020, prepared by Graves Engineering, Inc., 100 Grove Street, Worcester, MA 01605, in five (5) pages.

- EXHIBIT 14.** Email from Amanda Cavaliere, Guerriere & Halnon, Inc., regarding, “100 Westboro Road – Request to Continue Planning Board Meeting”, dated March 19, 2020, received by the Planning Board on March 19, 2020, 1 page.
- EXHIBIT 15.** Email from Amanda Cavaliere, Guerriere & Halnon, Inc., regarding, “100 Westboro Road – Request to Continue Planning Board Meeting”, dated April 28, 2020, received by the Planning Board on April 28, 2020, 1 page.
- EXHIBIT 16.** Email from Amanda Cavaliere, Guerriere & Halnon, Inc., regarding, “100 Westboro Road – Request to Continue Planning Board Meeting”, dated May 18, 2020, received by the Planning Board on May 18, 2020, 1 page.
- EXHIBIT 17.** Letter from Amanda Cavaliere, Guerriere & Halnon, Inc., regarding, “Comments from Graves Engineering, Inc.: 100 Westborough Road, Grafton, MA”, dated May 22, 2020, in seven (7) pages.
- EXHIBIT 18.** Letter from Amanda Cavaliere, Guerriere & Halnon, Inc., regarding, “Comments from Grafton Planning Staff’s Review: 100 Westborough Road, Grafton, MA”, dated May 22, 2020, in four (4) pages.
- EXHIBIT 19.** Plan: “Afonso Village; A Mixed Use Development” dated January 14, 2020, revised February 12, 2020, March 2, 2020, April 3, 2020 and May 22, 2020, prepared by Guerriere & Halnon, Inc., 55 West Central Street, Franklin, MA 02038, in thirteen (13) sheets.
- EXHIBIT 20.** Pocket Park Rendering, received by the Planning Board on May 28, 2020, in three (3) sheets.
- EXHIBIT 21.** Plan: “Rational Drainage Areas” dated May 22, 2020, prepared by Guerriere & Halnon, Inc., 55 West Central Street, Franklin, MA 02038, in one (1) sheet.
- EXHIBIT 22.** Plan: “Pre-Drainage Areas” dated May 26, 2020, prepared by Guerriere & Halnon, Inc., 55 West Central Street, Franklin, MA 02038, in one (1) sheet.
- EXHIBIT 23.** Plan: “Post-Drainage Areas” dated May 26, 2020, prepared by Guerriere & Halnon, Inc., 55 West Central Street, Franklin, MA 02038, in one (1) sheet.
- EXHIBIT 24.** Report: “Cut/Fill Report” dated May 4, 2020, prepared by Guerriere & Halnon, Inc., 55 West Central Street, Franklin, MA 02038, in one (1) sheet.
- EXHIBIT 25.** Report: “Traffic Impact and Access Study” dated May 11, 2020, prepared by Greenman-Pedersen, Inc., 181 Ballardvale Street, Suite 202, Wilmington, MA 01887, in three hundred and twenty-five (325) pages.
- EXHIBIT 26.** Report: “Stormwater Report; ‘The Village at Institute Road Mixed Use’; Grafton, MA” dated January 14, 2020, revised May 22, 2020, prepared by Guerriere & Halnon, Inc., 333 West Street, Milford, MA 01757, in one hundred and ninety-four (194) pages.
- EXHIBIT 27.** Email from Amanda Cavaliere, Guerriere & Halnon, Inc., regarding, “100 Westboro Road – Request to Continue Planning Board Meeting”, dated June 8, 2020, received by the Planning Board on June 8, 2020, 1 page.

- EXHIBIT 28.** Peer Review: “Afonso Village”, dated June 17, 2020, prepared by Graves Engineering, Inc., 100 Grove Street, Worcester, MA 01605, in seven (7) pages.
- EXHIBIT 29.** Letter from Amanda Cavaliere, Guerriere & Halnon, Inc., regarding, “Comments from Graves Engineering, Inc.: 100 Westboro Street “Parcel D”, Grafton, MA”, dated July 1, 2020, in three (3) pages.
- EXHIBIT 30.** Plan: “OLIVER: MassGIS’s Online Mapping Tool” dated July 1, 2020, in one (1) sheet.
- EXHIBIT 31.** Plan: “Afonso Village; A Mixed Use Development” dated January 14, 2020, revised February 12, 2020, March 2, 2020, April 3, 2020, May 22, 2020 and June 22, 2020, prepared by Guerriere & Halnon, Inc., 55 West Central Street, Franklin, MA 02038, in thirteen (13) sheets.
- EXHIBIT 32.** Report: “Stormwater Report; ‘The Village at Institute Road Mixed Use’; Grafton, MA” dated January 14, 2020, revised May 22, 2020 and June 30, 2020, prepared by Guerriere & Halnon, Inc., 333 West Street, Milford, MA 01757, in one hundred and ninety-two (192) pages.
- EXHIBIT 33.** Plan: “Post-Drainage Areas” undated, prepared by Guerriere & Halnon, Inc., 55 West Central Street, Franklin, MA 02038, in one (1) sheet.
- EXHIBIT 34.** Email from Jeffrey Walsh, Graves Engineering, Inc., regarding, “Afonso Village – 2<sup>nd</sup> Submittal”, dated July 13, 2020, received by the Planning Board on July 13, 2020, 1 page.
- EXHIBIT 35.** Plan: “Afonso Village; A Mixed Use Development” dated January 14, 2020, revised February 12, 2020, March 2, 2020, April 3, 2020, May 22, 2020, June 22, 2020 and July 13, 2020, prepared by Guerriere & Halnon, Inc., 55 West Central Street, Franklin, MA 02038, in two (2) sheets.

### **III. FINDINGS**

At their meeting of July 27, 2020 after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by David Robbins, seconded by Linda Hassinger) voted five (5) in favor and zero (0) opposed to make the following Findings:

- F1.)** That determinations regarding the following findings are based upon the documents and plans identified in this Decision, as well as the information and EXHIBITS submitted and presented in association with the Application.
- F2.)** That determinations regarding the following findings are also predicated upon satisfactory completion of the work and site improvements shown on the Plans and maintenance of the Site in accordance with this Decision, as well as all applicable Federal, State and Local regulations, except where modified by this Decision.

- F3.)** That the 15.72-acre site is located in a Village Mixed Use – Transit Village (VMU-TV) zoning district. The site is partially located within the Water Supply Protection Overlay District. The Applicant is seeking a Special Permit for a Mixed Use Development, consisting of five 3-story buildings, four town houses and associated roadways, parking and utilities, including 105 housing units and approximately 18,000 sq. ft. of retail space. Said uses are allowed with the issuance of a Special Permit in a VMU - TV zone and is further subject to Site Plan Approval as required by the Zoning By-law.
- F4.)** That mixed use developments are permitted in the VMU - TV zoning district only upon the issuance of a Special Permit by Planning Board, in accordance with Sections 12.4 and 1.5 of the Grafton Zoning By-law (hereinafter ZBL).
- F5.)** The Site is to have access from Westboro Road and Institute Road. The applicant proposes off-site improvements to the intersection of Westboro Road and Institute Road.
- F6.)** That Section 1.3.3.2 of the ZBL requires that the procedure for the Site Plan Review, as defined in the ZBL, be incorporated into the procedure for reviewing Special Permits.
- F7.)** That Section 1.3.3.3 of the ZBL defines the procedure for Site Plan Review, including a description of the plans and materials to be submitted to the Planning Board.
- F8.)** The Board finds that Section 1.3.3.4 of the ZBL allows an applicant to request waivers from certain requirements of the Site Plan Review procedure. The Board finds that the Applicant has not submitted waiver requests from Sections 1.3.3 and 8.2 of the Grafton Zoning By-Law.
- F9.)** With regard to Section 1.5.5(a), the Board finds that based on Exhibits and Findings stated within this Decision, ingress and egress to the property, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe, is adequate. The Board notes that the project proposes upgrades to an existing off site intersection and creation of a new off street multi-use trail system.
- F10.)** With regard to Section 1.5.5(b), the Board finds that based on the Exhibits and the Findings stated within this Decision, that off-street parking is adequate. The Board further finds with regard to Section 1.5.5(b) that the economic, noise, glare, or odor effects of the special permit on adjoining properties and properties generally in the district are satisfactory. The Board notes that the site is designed in a compact nature with vegetative buffering to remain.
- F11.)** With regard to Section 1.5.5(c), the Board finds that based on the Exhibits and the Findings stated within this Decision, that refuse collection or disposal and service areas are satisfactory.
- F12.)** With regard to Section 1.5.5(d), the Board finds that based on the Exhibits and the Findings stated within this Decision, screening and buffering with reference to type, dimensions and character are adequate. The Board notes that the project proposes retaining some vegetative buffering as well as providing fencing along much of the project boundaries.

- F13.)** With regard to Section 1.5.5(e), the Board finds and based upon on the Exhibits and the Findings stated within this Decision, signs and exterior lighting with reference to glare, traffic safety, economic effect is compatible and in harmony with properties in the district.
- F14.)** With regard to Section 1.5.5(f), the Board finds that based upon on the Exhibits and the Findings stated within this Decision, the required yards and other open space requirements are adequate (see EXHIBIT #31).
- F15.)** With regard to Section 1.5.5(g), the Board finds that based upon on the Exhibits and the Findings stated within this Decision, that the proposed use of the facility is generally compatible with adjacent properties and other properties in the Village Mixed Use – Transit Village (VMU-TV) zone. The site is located on Westboro Road which contains industrial, commercial, and professional uses.
- F16.)** With regard to Section 1.5.5(h), the Board finds that based upon on the Exhibits and the Findings stated within this Decision and upon satisfying and complying with all applicable requirements of the Massachusetts DEP, Grafton Water District, and all other applicable agencies, the proposed facility will not have any significant adverse impact on any public or private water supply.
- F17.)** With regard to Section 1.5.5(i), the Board finds that the site is partially located within the Water Supply Protection Overlay District. The Board further finds that, based upon on the Exhibits and the Findings stated within this Decision, and upon satisfying and complying with all applicable requirements of the Massachusetts DEP, Grafton Water District, and all other applicable agencies, there will not be any significant adverse impact upon municipal water supplies. The proposed use is permitted in the underlying district, so no additional approval under the bylaw is required, except for performance standards which will be reviewed through Conservation and review of the Stormwater bylaw.
- F18.)** With regard to Section 1.5.5(j), the Board finds that important historic, cultural and scenic landscapes are protected. It was noted that the proposed use involves the creation of a community park and retains or replaces much of the existing vegetation.
- F19.)** With regard to Section 12.7, the Board finds that the proposed parking facilities meet the required placement, design, screening, provision of bicycle racks, and count. The applicant has not proposed a shared parking arrangement.
- F20.)** With regard to Section 12.8, the Board finds that the proposed curb cuts are in order. The Board found that the additional curb cut on Westboro Road was necessary for the safe and efficient flow of traffic as well as ease of access for emergency vehicles. There are no existing access routes on adjacent parcels to provide a shared drive as encouraged by Section 12.8.2.3.
- F21.)** With regard to Section 12.9.1, the Board finds that the applicant has adequate pedestrian and bicycle access. The Board notes that a multiuse path is proposed to the south of the site, to be incorporated into a planned subdivision.

**F22.)** With regard to Section 12.9.2, the Board finds that the proposed landscaping is adequate. The Board notes the proposal includes a walking trail and privately maintained community park.

## **V. DECISION**

At their meeting of July 27, 2020 after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by David Robbins, seconded by Linda Hassinger) voted five (5) in favor and zero (0) opposed to **APPROVE** the Special Permit (SP 2020-02) & Site Plan Approval with the following conditions:

### **A. Standard Conditions**

1. This Special Permit and Site Plan Approval specifically authorizes the construction associated with the proposed Afonso Village Mixed Use Development, consisting of five 3-story buildings, four town houses and associated roadways, parking and utilities, including 105 housing units and approximately 18,000 sq. ft. of retail spaces as described within the referred EXHIBITS and FINDINGS of this Decision.
2. Any modification to the use authorized by this Decision, Site, structure(s) and/or site improvements as described within this Decision and as presented to the Board during the public hearing and in the above referenced EXHIBITS shall require, prior to implementing such change, a determination from the Planning Board as to whether the proposed change is substantially different than presented in the materials and information used in making this Decision. The Planning Board reserves the right to solicit comments from other Town boards, departments and committees, as well as its consulting engineer, in making determinations regarding such changes. The Planning Board may, upon its determination, require a modification of this Decision (or other approvals if deemed necessary) if it finds that the proposed changes are substantial in nature and of public concern, and substantially alter the plans and information used in making this Decision. Any Modification of this Decision shall be made pursuant to Section 1.5 of the Zoning By-law, and any other applicable regulations.
3. Unless modified by this Decision, the Site shall be developed, constructed and maintained in accordance with all applicable Federal, State and Local regulations, and as shown on the than the plan presented within the EXHIBITS of this Decision. All required permits and approvals shall be secured by the Applicant at the appropriate stage of construction and copies of all pertinent documents regarding said permits and approvals shall be filed with the Planning Board in a timely manner.
4. All grading and construction shall be performed in accordance with the Plans, as well as all applicable Federal, State and Local regulations, and shall be accomplished so as not to discharge any pollutants or siltation into waterways or resource areas from the site and its associated improvements during construction, and after completion.
5. Signage for, and associated with, the use authorized by this Decision shall be installed in accordance with this decision, and conform to, the Town of Grafton Zoning By-law. This

Decision shall not be construed as approving or authorizing any directional signage, which may be permitted in conformance with the Zoning By-law.

6. The Planning Board reserves the right, pursuant to Section 1.5.1.1 of the Zoning By-Law, to utilize the services of a professional engineer in reviewing any materials required to be submitted as conditions of this Decision, and conducting any inspections or other work associated with the construction of the development. In accordance with the applicable sections of the ZBL, any fees or expenses associated with such reviews and inspections shall be the responsibility of the Applicant. Such inspections or reviews will not be conducted if a zero or negative balance exists in any account established by the Planning Board for the purposes stated in this Condition.
7. The provisions of this Special Permit and Site Plan Approval Decision and conditions shall be binding upon the successors and assigns of the Applicant, and the obligations shall run with the land. In the event that the Applicant sells, transfers or assigns its interest in the development, this Special Permit and Site Plan Approval Decision shall be binding upon the purchaser, transferee or assignee and any successor purchasers, transferees or assignees.
8. The Applicant, their successors and assigns, will not sell or rent any units in the development until the construction of ways and services necessary to adequately serve such units has been completed in accordance with the approved Plans.
9. In accordance with Section 1.5.8 of the ZBL, this Special Permit and Site Plan Approval shall lapse within one (1) year from the date of the expiration of the appeal period if substantial use, or construction, has not been commenced except in accordance with the law. Any request for an extension of said period of validity shall be considered a Modification of this Special Permit and Site Plan Approval, and such request shall be filed and reviewed in accordance with the procedure specified in Section 1.5 of the ZBL.
10. This Special Permit and Site Plan Approval shall not take effect until the Decision has been recorded at the Worcester District Registry of Deeds (WDRD) and provided the Planning Board and the Building Department with a copy of such recording, including the WDRD Book and Page Number and/or Instrument Number.
11. By recording this Special Permit and Site Plan Approval Decision in the WDRD, the Applicant agrees to and accepts the conditions set forth in this Special Permit and Site Plan Approval Decision. A copy of such recorded Special Permit decision, including the Deed Book and Page Numbers, shall be submitted to the Planning Board Office within thirty (30) days of recording.
12. Any inability or failure or refusal by the Applicant to comply with the requirements of this Special Permit, when notified of failure of compliance, shall be grounds for the immediate denial of building, construction or occupancy permits with respect to this project.

#### **B. Affordability**

1. In accordance with Section 12.2.4 of the Grafton Zoning Bylaw, twenty-five percent (25%) of the one hundred and five (105) proposed rental units, equaling twenty six (26) rental units, and twenty percent (20%) of the four (4) proposed townhouse units, equaling one (1) townhouse unit in the Project shall be low-or moderate-income units, meaning they shall be rented to, and occupied by, households whose income is no more than eighty percent (80%) of the area



median income, as determined by the United States Department of Housing and Urban Development (“HUD”) and DHCD.

2. Affordable units shall be dispersed throughout the Project in accordance with the guidelines of the Subsidizing Agency, except for fluctuations based on changes of income allowed which are allowed by the Regulatory Agreement with the Subsidizing Agency. The Applicant shall be responsible for maintaining records sufficient to comply with DHCD guidelines for the location of affordable units in the Project and occupancy of such units by income-eligible households.
3. All of the Project’s affordable units shall be restricted for lease to households earning no more than the maximum allowable area median income of DHCD or any substitute Subsidizing Agency. The units shall be maintained as affordable in perpetuity, which for the purposes of this Decision shall mean for so long as the Property does not comply to applicable zoning requirements without the benefit of this Special Permit and Site Plan Approval.
4. The Applicant shall obtain approval by the Subsidizing Agency of an affirmative fair housing marketing plan prior to the rental and/or sale of any units, and shall ensure that the Project complies with the Subsidizing Agency’s fair housing requirements.
5. In accordance with Section 12.2.4.4, the affordable units shall comply with requirements of Massachusetts Executive Office of Housing and Economic Development requirements for counting towards the Town’s Subsidized Housing Inventory. To satisfy this condition, the Applicant shall work with the Grafton Affordable Housing Trust (AHT), according to procedures specified by the AHT, to gain approval of the Project as Local Initiative Program (LIP) Local Action Units. Evidence of the units approval for counting towards the Town’s Subsidized Housing Inventory shall be provided to the Planning Board and Building Inspector prior to issuance of any occupancy permits.

#### **C. Conditions to be Met Prior to Construction**

6. Prior to issuance of a building permit, Final Approved Plans shall be revised to adjust the geometry of the impoundment to create a two (2) foot offset to groundwater to a portion of the basin. Revised Plans shall be submitted to the Planning Board for its review and approval.
7. In accordance with Section 12.2.2.2 of the Grafton Zoning Bylaw, prior to the issuance of a building permit, the applicant shall submit a site plan and material demonstrating compliance with Section 12.7 though Section 12.9 of this By-law. Site Plan and supportive materials shall be reviewed by the Town Planner for conformance with the performance standards and purpose of this bylaw and an advisory opinion shall be prepared for consideration by the Building Inspector. Advisory opinion may include recommendations for conformance with the performance standards and intent of the bylaw, which may require the amendments or changes to the design prior to issuance of a building permit.
8. Prior to issuance of a building permit, the Applicant/Developer shall submit acceptable construction and maintenance schedule documents to the Planning Department for administrative review and approval.
9. Prior to the commencement of work, the Planning Board shall be provided with the following:
  - a. Five (5) full size plan sets, 24” x 36”, one of which shall be sent directly to the Town’s peer review consulting engineer.

- b. An electronic copy of the plan set. The electronic copy shall be in a “PDF” compatible format.
  - c. An electronic copy of the Plan in a format compatible for import to the Town’s GIS system as specified by Planning Department Staff.
10. Prior to commencement of work, a pre-construction meeting shall occur with representatives from the Applicant and appropriate Town Departments/ Board’s. The Applicant shall contact the Planning Department to arrange the pre-construction meeting.
11. Prior to the start of any construction activity on the Site, an initial inspection of erosion control /site stabilization measures shall be performed by agent(s) of both the Planning Board and Conservation Commission in the presence of a representative of the Applicant/developer, and notice of such inspection forwarded to both Boards. No construction activity shall occur on the Site until the Applicant/developer receives written authorization from both the Planning Board and Conservation Commission regarding the adequacy of the initial erosion control and site stabilization measures. The Planning Board reserves the right to require additional erosion control/site stabilization measures at any time during the construction process should the Planning Board, Conservation Commission, or their agent(s) deem such measures necessary. The Applicant/developer shall be notified in writing of the necessity for such additional measures, and shall complete all such requirements within ten (10) days of receiving said notice, or other time as may be agreed upon by both the Planning Board and Conservation Commission.

**D. Conditions to be Met During Construction**

- 1. Hours of construction and site work shall only occur Monday through Saturday between the hours of 7:00 a.m. and 5:00 p.m. There shall be no construction activity on Sundays or state and federal holidays.
- 2. All construction vehicles and vehicles of all workers are to be parked on site except during the period of the initial clearing of the property.
- 3. All site construction, development and improvements shall be inspected at the appropriate stage(s) of construction by the Planning Board or its agent upon request made by the Applicant to the Planning Board or its agent, in accordance with any policies for such requests.
- 4. All construction shall be performed in accordance with the approved Plans, as well as all applicable Federal, State and Local regulations, and shall be accomplished so as not to discharge any pollutants or siltation into waterways or resource areas during construction, and after completion, from the site and its associated improvements.
- 5. During clearing operations, all efforts will be taken to retain trees within the development. Trees along limits of work and adjacent to the roadway shall be examined during site inspections for being preserved where grading changes are minimal.
- 6. Upon commencing any construction activity on the Site, and in accordance with the National Pollutant Discharge Elimination System (NPDES) Phase II requirements, a Stormwater Pollution Prevention Plan shall be maintained at all times on the Site by the Applicant/developer. A copy of this document shall be forwarded to the Planning Board,

Conservation Commission and Department of Public Works prior to commencing any construction activity.

7. Except as otherwise approved by the Planning Board, all driveways, roadways, utilities and other improvements shall conform to the construction standards of the Subdivision Rules and Regulations. All applicable site improvements shall be inspected at the appropriate stage of construction in accordance with the Subdivision Rules and Regulations as required by the Board.
8. The Applicant shall install at a minimum the landscaping as described within this Decision and as presented to the Board during the public hearing and in the above referenced EXHIBITS. The Town reserves the right to conduct a site inspection of lot to verify that the approved landscaping continues to remain valid. If plant material has failed (either by death or disease) within 24 months of initial planting, new material shall be installed at the expense of the Property Owner and/or its Agent or Builder. All work to replace plant material will be done to the satisfaction of the Planning Board.

**E. Conditions to be Met After Construction**

1. All stormwater management facilities and associated structures, including pipe, loaming, and seeding, shall be completed, and stormwater runoff suitably controlled, to the satisfaction of the Planning Board prior to the issuance of any Occupancy Permits for this development.
2. Any signage and pavement markings shown on the Plans, required by this Decision, or proposed at a later date, shall be installed in accordance with, and conform to, the Town of Grafton Zoning By-law and all other applicable regulations. The Applicant / Developer shall be responsible to submitting a final approval from both the Police Department and the Department of Public Works that the all signs and other public safety controls have been identified and installed to their satisfaction prior to the issuance of any Occupancy Permits for this development.

**VII. RECORD OF VOTE**

<u>Robert Hassinger, Chairman</u>	<u>AYE</u>	<u>Linda Hassinger, Member</u>	<u>AYE</u>
<u>David Robbins, Vice Chairman</u>	<u>AYE</u>	<u>Prabhu Venkataraman, Member</u>	<u>AYE</u>
<u>Justin Wood, Clerk</u>	<u>AYE</u>		

**DATE OF FILING OF DECISION:**

**BY ORDER OF THE BOARD**



Christopher J. McGoldrick, Town Planner



Date

- cc: Applicant / Owner
- Building Inspector
  - Assessors
  - Conservation Commission

**To Whom It May Concern:** This is to certify and verify that the twenty (20) days have elapsed since this decision was filed in the Town Clerk's office and that no such appeals have been filed in the reference to the same, or that, if such appeal has been filed, it has been dismissed or denied.

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Kandy Lavallee, Town Clerk

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Date